

THE MACMAHON LINE

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## INTRODUCTION

Scholars and statesmen as well as casual observers of the international scene are often attracted to beliefs which measure a problem in question by the application of a single academic discipline as the only true measuring stick. Geography and economics, if they can be defined as distinct disciplines, have often been described as the systems whereby man can analyze and even predict the causes and nature of international boundary conflicts. These beliefs can be questioned.

In judging a boundary a geographer must consider many physical as well as human aspects of a region. Eric Fischer, in a dissertation on boundaries, reminds us that in considering boundaries the emphasis "has shifted from one aspect of the problem to another according to the particular bias of the times."<sup>1</sup>

At the time of the Paris Peace conferences, geographers shared the general opinion that the linguistic factor should receive the greatest consideration in determining boundaries between national states. Language was regarded as the best criterion for drawing boundaries which would recognize what was called at that date 'the right of self-determination.' It was a new factor in diplomatic negotiations. Shift of emphasis from physical features to cultural characteristics as bases for boundary lines reflected the popular swing toward self-determination.

A further change of attitude seems to have developed in recent years. The negotiations and treaties which followed World War II ... were primarily and openly concerned with the economic effects of their decisions. The shift in stress within a short time

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<sup>1</sup> Eric Fischer, "On Boundaries," World Politics, January 1949, 1:196.

from one factor to another reflects the transient character of some criteria of boundary-making.<sup>2</sup>

The subject of this report concerns an international boundary problem and the approach is geographical; but this is not meant to imply that geography alone is the discipline which furnishes all the tools for a just answer to the question. The specific geographical approach is cartographic and no "solution" has been sought. There is no implication intended that a cartographic study of a border controversy is a choice of a position in the question of which approach is best.

The subject of this report is that portion of the "MacMahon Line" which forms the eastern China-India boundary and a portion of the northern China-Burma boundary. The primary emphasis has been placed on the Indian portion of the line because of the settlement of the Burma boundary problem in 1960. The boundary controversy is herein analyzed primarily with maps because the protagonists involved, and outside observers, have thoroughly investigated every other aspect of the question.

It is the desire of the author that this report be utilized by persons interested in the China-India border controversy primarily as a map reference when studying one of the many comprehensive reports of this international dispute.

#### HISTORICAL BACKGROUND

Any attempt to make a complete historical analysis of the Sino-Indian border problem would be beyond the purpose of this

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<sup>2</sup> Loc. cit.

paper and the scope of the author's ability. But a brief resume of some of the events which led to the establishment of the MacMahon line will help to indicate why the problem was not solved as a result of the Simla conferences of 1913 and 1914.

The key, according to Olaf Caroe, is the Dalai Lama.<sup>3</sup> The succession of Dalai Lamas began in the late fifteenth or early sixteenth centuries, but the firm position as a spiritual and temporal leader of Tibet was not held by any of the succeeding Lamas until these powers were consolidated by the fifth Dalai Lama in 1640.<sup>4</sup> There is no indication that China held any power in Tibet at that time. At this same time, 1644, the great Ching or Manchu dynasty assumed power in China. The Manchus, in expanding China to the greatest extent in its history, conquered Tibet in 1720. From that time on China has made incursions into Tibet, has ruled Tibet, has been driven from Tibet, has been associated with Tibet as an enemy state, and has held suzerainty over Tibet.

Just before the fall of the Manchu empire in 1911 a military force was sent to Tibet to reaffirm Chinese authority. With the fall of the Manchus, this force became isolated and was eventually evacuated through India. This ended all Chinese occupation of Tibet; but Yuan Shih-kai the leader of the First Chinese Republic, with his dreams of a new dynasty, continued the old policy of assimilation toward Tibet.

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<sup>3</sup> Olaf Caroe, "The India-Tibet-China Triangle," Asian Review, January 1960, 56:4.

<sup>4</sup> Loc. cit.

It is interesting to note in an article written at the time of the fall of the Manchu empire that many observers did not recognize the problems that were being created.<sup>5</sup> The author, W. W. Rockhill, in describing the optimism of observers of the Chinese domestic scene, expresses no vision of the tragedies to come, the future chaos in the far east, and the bedrock of corrupt government upon which the Chinese Communist party could prey and create the conditions of today.

Yuan Shih-kai, in his attempts to assimilate Tibet, made a declaration that Tibet would henceforth be a Chinese province. The British protested strongly, and while conceding that China had suzerainty over Tibet, Britain could not consent to Chinese sovereignty over a state "enjoying independent treaty relations with her."<sup>6</sup> The Chinese at this point were in no position to oppose any nation. They stated that they had "no intention of converting Tibet into another province of China, and that the preservation of the traditional system of Tibetan Government was as much the desire of China as of Great Britain."<sup>7</sup>

The Dalai Lama declared the independence of Tibet in 1913 and at the same time negotiated with the other great Lamaist state, Outer Mongolia, for a policy of mutual recognition. At this time Britain initiated the triangular conference at Simla

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<sup>5</sup> W. Woodville Rockhill, "Brief Review of Present Conditions in China," Journal of the Royal Central Asian Society, 1914, 1:34.

<sup>6</sup> K. Krishna Rao, "The Sino-Indian Boundary Question and International Law," International and Comparative Law Quarterly, April 1962, 11:399.

<sup>7</sup> Loc. cit.

between Britain, Tibet, and China which lasted from October 1913 to July 1914.<sup>8</sup> During the conferences Tibet reemphasized its independence while China claimed suzerainty over Tibet, and Great Britain advocated a division of the area into an Inner and Outer Tibet with Britain acting as the intermediary between Tibet as the vassal state and China as its sovereign.<sup>9</sup> Just before the outbreak of World War I, agreement was reached by the negotiators on the future status of Tibet. Tibet would be divided into Inner and Outer regions in the same manner that Mongolia was split. The Tibetans acknowledged a loose allegiance to China that was described as Chinese suzerainty over Tibet, and the Chinese acknowledged the autonomy of Outer Tibet.<sup>10</sup> It was agreed that the frontier between Inner and Outer Tibet would run roughly along the Upper Yangtze River while the southern boundary between Tibet and British India would follow the remainder of what was later to be called the MacMahon line (Plate I).

During the period from 1912, when the Chinese were driven from Tibet, until 1950, when they invaded in strength, there is no evidence of any control, either de facto or de jure, of Tibet by the Chinese government.

Both India and China have used historical evidence upon which to base their claims to the disputed areas. Both nations have valid historical claims, and both have used evidence which is questionable.

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<sup>8</sup> Esson M. Gale, "International Relations: The Twentieth Century," China, p. 206.

<sup>9</sup> Loc. cit.

<sup>10</sup> Caroe, op. cit., p. 5.





# THE MACMAHON LINE

From October 1913 to July 1914 Sir Henry MacMahon, Secretary of State for Foreign Affairs in the British-Indian Government, negotiated with representatives of the Chinese and Tibetan governments on the demarcation of India's northeastern border.<sup>11</sup> The agreement which resulted from these negotiations established a border between Tibet and British India which extends along the crest of the Himalayas from Bhutan on the west to a point called Isu Razi on the Mekong-Salween watershed in the east.<sup>12</sup> These negotiations established a border that has recently led to a conflict between China and India which could result in significant changes in international alliances involving several nations. Regardless of the isolated nature or the seeming insignificance of this area, the fact that China and India are the disputants may eventually lead to a political realignment of some of the nations of Asia and the Western Pacific. This is not intended in any way to imply, however, that the contested area is necessarily completely isolated or insignificant. The strategic value to either China or India of this highland region which divides the most populous area of Tibet from the valuable Assam plain cannot be disregarded.

It is fully possible that the Sino-Indian boundary dispute may have occurred regardless of the borderline delineated by

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<sup>11</sup> Christoph v. Fürer-Haimensdorf, "On the MacMahon Line," Swiss Review of World Affairs, October 1959, 9:11.

<sup>12</sup> Caroe, op. cit., p. 4.

MacMahon and the other representatives at the conference. Lewis M. Alexander, in a discussion of Chinese activities in northern Burma, expressed this possibility simply as "expansion ... in the guise of international communism."<sup>13</sup> The boundary line that Sir Henry MacMahon drafted ran through areas of the Himalayas that had not been extensively mapped at the time, and some areas which have still not been mapped. Therefore, the border was not well defined.<sup>14</sup> The lack of a demarcated border, if not a problem at one point in time, may always become a zone of conflict between the nations adjacent to the unknown or unmarked areas. MacMahon recognized the difference between drawing a line on a map and laying out border markings on the ground, and distinguished the difference by using two distinct terms which he defined as follows:

'Delimitation' I have taken to comprise the determination of a boundary line by treaty or otherwise, and its definition in verbal terms: 'Demarcation' to comprise the actual laying down of a boundary line on the ground and its definition by boundary pillars or other similar physical means.<sup>15</sup>

Considerable doubt has also existed over the racial relationships of the hill tribes in the disputed region; therefore, no ethnic evidence is likely to appear which will resolve the boundary dispute.<sup>16</sup> But this, of course, does not preclude the

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<sup>13</sup> Lewis M. Alexander, World Political Patterns, p. 401.

<sup>14</sup> Flürer-Haimensdorf, op. cit., p. 11.

<sup>15</sup> Rao, op. cit., p. 376.

<sup>16</sup> Alfred P. Rubin, "The Sino-Indian Border Disputes," International and Comparative Law Quarterly, January 1960, 9:97.

possibility that a dispute based on cultural grounds could have arisen at any time; because either of these nations could base their claims on ethnic relationship to the population in the disputed area. This possibility can be extended further if we assume that one disputant is ethnically related to the aborigine of the hill country. Because "the hill tribes of the frontier region do not appear to have fixed territories of their own," either China or India could base their border claim on the limits of hill tribe occupation at the most advantageous time for the claimant.<sup>17</sup> The existence of any legitimate ethnically based claim to the disputed Himalayan area is doubtful, because the indigenous tribes in this area have demonstrated strong animosity to any outside interference whether Chinese, Indian, or British.<sup>18</sup> The animistic religion and other ethnic characteristics of the Himalayan hill tribes make it doubtful that there will ever be any proven attachment of these peoples to either China or India.<sup>19</sup> Even this position, however, is subject to opinion as indicated by O. H. K. Spate who stated that,

The position (India's control of the Himalayan glacis) is complicated by the fact that the real cultural and economic boundary lies at the foot of the mountain mass and not on its crest; since British maps often neglected to show the latter boundary, it is not surprising that Chinese maps habitually displayed the former. This geographical fact is recognized in the buffer States (Nepal, Bhutan, and Sikkim),

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<sup>17</sup> Loc. cit.

<sup>18</sup> Fürer-Haimensdorf, op. cit., p. 11.

<sup>19</sup> J. E. Spencer, Asia, East by South, p. 207.

which extend from the eternal snows to the hot marshy jungles of the terai.<sup>20</sup>

There are other reasons that this border dispute may have occurred regardless of the existence of the MacMahon line, including the type of terrain and a search for bargaining power by China. The physical obstacles to man's presence in this area are great, and disputes were not likely until the adjoining nations began to recognize more fully the strategic importance of this area which became more significant with the advent of modern aircraft. It is also possible that the questioning of the MacMahon line by China may have occurred only because it appeared advantageous to dispute this area as a bargaining point for other territorial concessions by India.<sup>21</sup> The proposal that China is disputing the MacMahon line strictly as a diplomatic lever for later accession to China of the Aksai Chin area of Ladakh appears feasible when we consider how readily China gave up her claim to the disputed region south of the MacMahon line in Burma (Plate I). If China was willing to cede the area in dispute with Burma solely to demonstrate her benevolent spirit and desire for peace, why should she be so tenacious in her claims for the NEFA (North East Frontier Agency) area of India? It does seem possible that the existence of a hostile group such as the Khams, who occupy the area north of the NEFA,

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<sup>20</sup> O. H. K. Spate, "The Neighbors of India and Pakistan," The Changing World, p. 510. Parenthetical information added by the author.

<sup>21</sup> Leo E. Rose, "Conflict in the Himalayas," Military Review, February 1963, 43:6.

might be a sufficient deterrent to development of that area of Tibet, for access to the south, to cause China to seek the Aksai Chin instead (Plate I). The Aksai Chin is an excellent route into southern Tibet compared with the route through the Kham region, and there are two known times in history when this route from the west has been used to invade Tibet.<sup>22</sup>

The possibility of the NEFA controversy being used as a negotiable point by China is further strengthened by the fact that China at one time reached the point of offering to renounce all claims in the NEFA for India's concession of the Aksai Chin.<sup>23</sup>

#### PHYSICAL DESCRIPTION

Much of the area along the MacMahon line has not been mapped or the data are too incomplete to make a very detailed study of the terrain; but a general description of the area showing its location and some terrain features is possible.

The general location of the MacMahon line in Southern Asia, and the disputed region of the Indian Northeast Frontier Agency is shown on Plate I. The MacMahon line begins in the west at approximately 91° 40" E., 27° 45" N. on the eastern border of Bhutan, and proceeds in a northeasterly direction for 250 miles (400 km) through a region with mountains ranging from 15,000 to

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<sup>22</sup> Loc. cit.

<sup>23</sup> Ibid., p. 7.

23,500 feet in height.<sup>24</sup> This area of the border has not been thoroughly mapped and the available relief data are incomplete. From this area the MacMahon line extends generally in an easterly and southeasterly direction for the remainder of its total 750 miles (1200 km) through a region with prominent terrain features ranging from 12,000 to 20,000 feet above sea level, and terminates on the present Burma-China border at a point approximately 98° 27" E., 27° 40" N. The relief data for this portion of the border are fairly well delineated on available maps.

Fifteen years before the creation of the MacMahon line, Thomas Holdich vividly described the border area.

Standing back some 100 miles from the plains of India, in the centre of the Himalayan mountains, is a magnificent central watershed (or water parting) which stretches from Kashmir to Northern Assam. The greatest snow-peaks and glaciers of the world are piled on to the summits of this vast crystalline axis of the Himalaya. Could anything be better than this magnificent array of unapproachable snow and ice to serve as the unmistakable barrier between two vast Asiatic countries?<sup>25</sup>

The fact that Holdich was not as foresighted concerning the penetrability of this area as the British Government was fifteen years later, when the border was delimited, has been proven by the incidents of the past several years in which two great nations have struggled to gain complete control of the Indian cis-Himalayan region. The Chinese must have been well aware of

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<sup>24</sup> United States Air Force Operational Navigation Chart, Sheet H-10, Naga Hills, September 1961, and The Sino-Indian Boundary Question, "Reference Map 6."

<sup>25</sup> Thomas Holdich, "The Use of Practical Geography Illustrated by Recent Frontier Operations," Geographical Journal, May 1899, 13:469.

the penetrability of the Himalayas when the revolutionary government, temporarily headed by Yuan Shih-kai, refused to ratify the Simla agreements of 1914. India, as the inheritor of British treaties, also recognized the vulnerability of its northeastern border and in 1950 began to build its defenses in the NEFA to close the gaps in the Himalayas. The complexity of this project has been described by A. R. Field as:

a prodigious task, for the Himalayas rarely have acted as the barrier which small scale maps and popular notions may have led many to believe. More than anything else, these mountains have acted as a giant sieve. There are literally thousands of passes which have never been charted on any map.<sup>26</sup>

Some of the numerous major mountain passes are shown on Plates II and III.

The NEFA presents an extreme contrast both to the flat lowlands of Assam to the south and the Tibetan plateau to the north. The rugged mountainous terrain of the frontier region differentiates it from Assam while its dense monsoon forests distinguish it from the almost barren highlands of the Tibetan plateau.

The extreme variations in elevation along the MacMahon line are displayed by the physical profile on Plate II. The relief data from the Bhutan-India border to a point between Lamdo La pass and Lusha La pass at 94° 30" E. are greatly generalized. All relief for this portion of the border is approximate except for certain measured point elevations. Although the profile does not illustrate the terrain features on either side of the

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<sup>26</sup> A. R. Field, "Bhutan Kham and the Upper Assam Line," Orbis, Summer 1959, 3:180.

# PLATE II

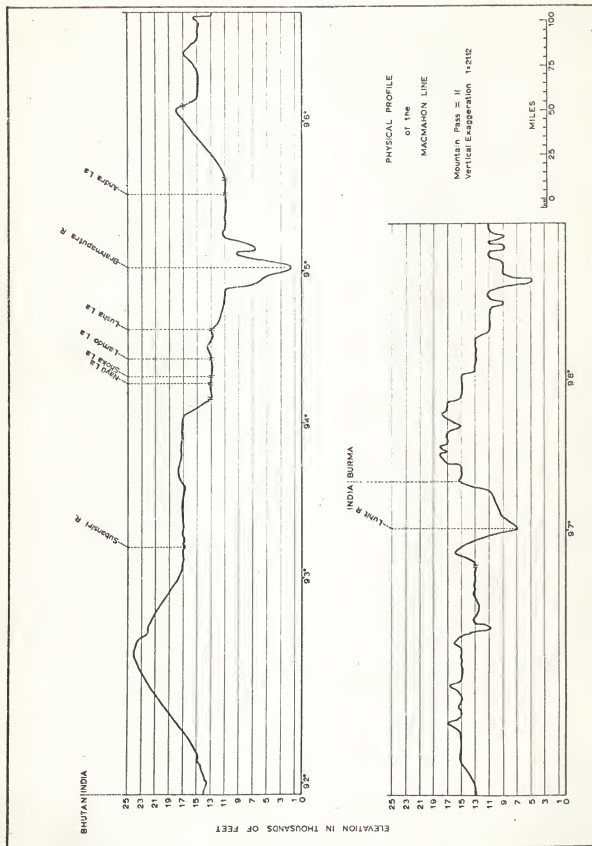
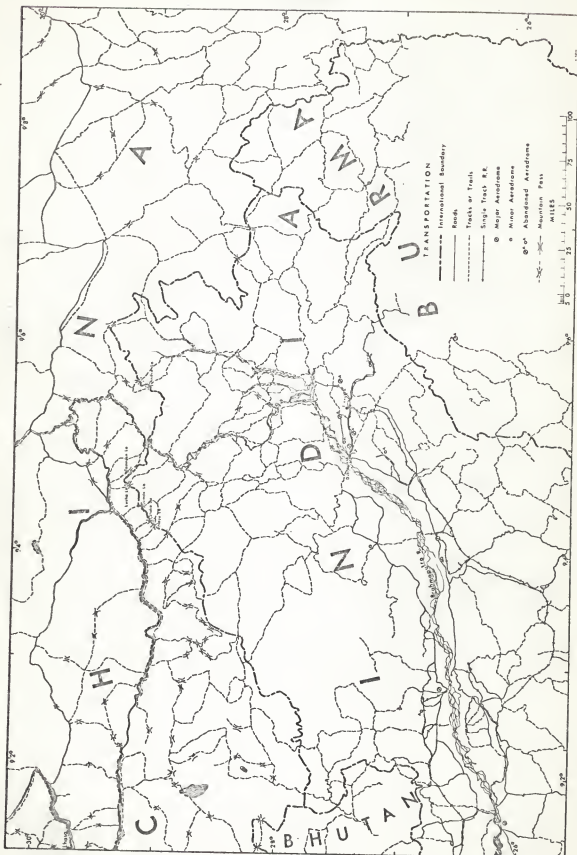




PLATE III

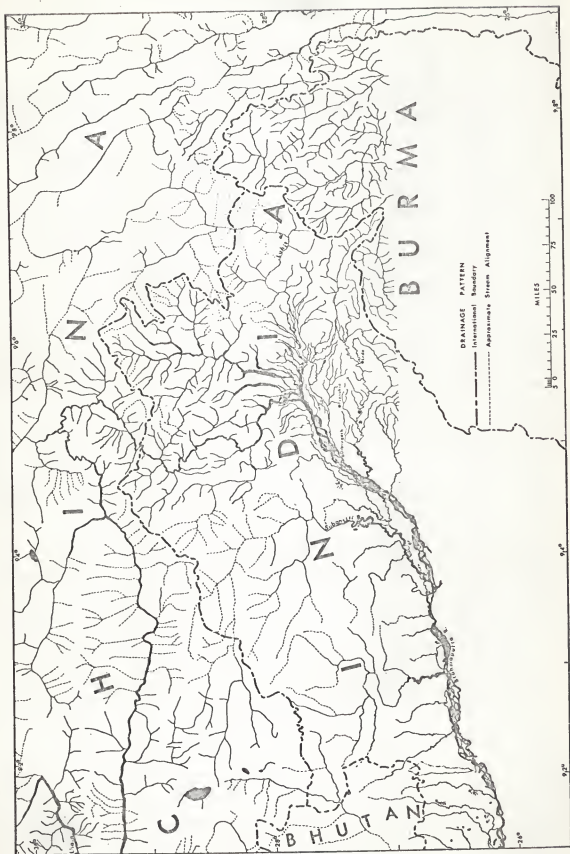


boundary, a quick perusal of the drainage pattern map of the area (Plate IV) makes it obvious that the elevations lower toward India and vary from rising to lowering on the Chinese side of the line.

Only the major mountain passes are indicated on Plate II; however, it must be kept in mind that numerous roads, tracks, and trails cross the boundary at points other than at major mountain passes. The deep cuts of the Brahmaputra and Luit Rivers as well as the valleys made by other streams that cross the MacMahon line are easily discernible when portrayed on an exaggerated profile. These deep valleys are, in most cases, ideal locations for tracks and trails. A comparison of the drainage pattern map (Plate IV) and the transportation map (Plate III) reveals the close relationship between stream valleys and roads and trails in the border region.

It is interesting to note that most of the major passes indicated on available sources cross the MacMahon line at approximately 13,000 feet. No factual evidence was found to indicate why this was true; but it would seem acceptable to assume that since the major amount of traffic across this boundary is the movement of religious pilgrims, on foot, during the warmer months of the year, the pilgrims probably would seek the altitude with the less undesirable temperature, humidity, and density of vegetation. The density of mountain passes on the general route from the lower Brahmaputra valley toward Lhasa and the upper Brahmaputra River help to indicate that the major traffic flow area lies along the path of major pilgrim movement. The location

PLATE IV



of these passes is shown on Plate III. There is no reason to doubt that there are suitable physical routes for mountain passes in other directions in as great a number as in the direction of Lhasa, because there is no extremely great difference in the terrain. The desire for human interaction in other directions, however, does not exist and passes do not become landmarks where man has little desire to move. The density of tracks and trails through the Himalayas in this area, as portrayed on Plate III, gives vivid evidence of the validity of A. R. Fields' description of the Himalayas as a "giant sieve."<sup>27</sup>

The only road in the vicinity of the MacMahon line, other than those in the Assam valley, lies along the northern side of the boundary in China. This road extends from the province of Szechwan in China to Lhasa, and west along the Brahmaputra and the northern border of Nepal. The alignment of the Szechwan-Lhasa road on Plate III is approximate; but it appears to be the possible location of the road to southern Tibet which was built by the Chinese for communications in the 1950-1951 invasion for reassertion of Chinese de facto control of Tibet. This route was later jeopardized by the guerrilla attacks of the Kham tribesmen which led to the construction of the Aksai Chin road through Ladakh as an alternate route<sup>28</sup> (Plate I).

The other roads in the area are in the Assam valley except for the road that leads southwest from Ledo. A portion of this

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<sup>27</sup> Loc. cit.

<sup>28</sup> Rose, op. cit., p. 6.

road is visible on Plate III and can be seen in its entirety on Plate I as the Stilwell (Ledo) road which terminates on the Burma road at Wanting, China. The original plan of the World War II allies to bypass the Japanese in south Burma by building a supply line to China through India led to the construction of the Stilwell road and much of the road and railroad network in the Brahmaputra valley. The close relationship between the road and railroad networks in this area, and the aerodromes, as shown on Plate III, indicates the transfer points of supplies to air transport means for the flight across the Himalayas to China. The major concentration of aerodromes, many of which are now abandoned, indicates the great amount of aerial traffic that used this area as an intermediate stop, or originated here, for the famous World War II flight across the "hump." The aerodromes that are shown as abandoned have probably been reopened since the Chinese invasion of India in 1962. Although there is no evidence to support this statement, there should be little doubt that these strategic locations would be used as part of India's military preparedness program.

The drainage pattern map of the region around the MacMahon line (Plate IV) indicates how closely Sir Henry MacMahon followed the watershed when the boundary was drawn at Simla. Although the alignment of portions of the Subansiri and Luhit Rivers is approximate, there is no doubt that the rivers do cross the border from China to India. But even considering the fact that these rivers, as well as a tributary of the Irrawaddy in northeast Burma, cross the border, the boundary line as shown on most

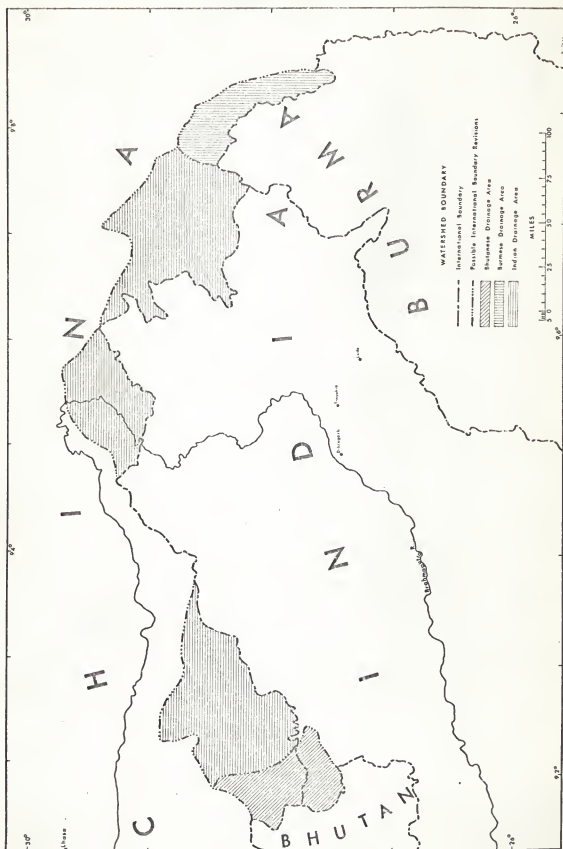
current maps indicates that every attempt was made to follow the watershed line when the boundary was delimited. This is also evidenced by a map of the MacMahon line in a publication issued by the Peoples' Republic of China which is, purportedly, a copy of the original map attached to the Simla agreements.<sup>29</sup>

Although Sir Henry MacMahon performed an exceptional task in delimiting this boundary, the fact that he missed the watershed does leave the boundary open to question by those who profess a belief in the quality of so-called natural boundaries. The major problem in following this thesis, however, lies in the fact that most of the region north and south of the MacMahon line, including a major portion of Tibet, is drained by the Brahmaputra River. If the adherents to the natural boundary thesis wish to consider the Brahmaputra as an exception to the rule of watershed boundaries for the delimiting of the Sino-Indian frontier, a revision of the boundary could follow the pattern depicted on Plate V. This map indicates that China would have no claim to the NEFA region, and would, in fact, be deprived of great areas of land if a true watershed boundary were used without any consideration of the Brahmaputra River. Plate V portrays the revisions of the boundary that would be required to follow the watershed and indicates by shading, the areas of Chinese territory that would fall into the natural boundaries of Bhutan, India, and Burma. If a natural type boundary is to be accepted, it could follow any one of several

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<sup>29</sup> Sino-Indian Boundary Question, op. cit., "Reference Map 6."

PLATE V



formulae. These possibilities include the boundary alignment shown on Plate V. as well as one which would give India and the Himalayan states all of the Brahmaputra valley, or one which would give China all of the Brahmaputra valley to include a major portion of Indian Assam and East Pakistan. The two latter alternatives are, of course, as unacceptable as the alternative shown on Plate V, and are no more, or less, valid than the Chinese desire for placing the boundary at the base of the Indian cis-Himalayan region.

#### CONCLUSION

The MacMahon line which was delimited for political motives can continue to exist or be disregarded for the same or other political motives. But it is a boundary, although somewhat indefinite, which existed for nearly 45 years without being questioned; and this reason, not any physical structure of the earth's surface, or yearning for days of China's former empire, or searching for bargaining power, appears to be the best reason for maintaining the status quo.

N. Pounds, in expressing the validity of the concept of natural boundaries, emphasizes the preeminence of man's motives in dividing the surface of the earth into political regions:

There is, in general, nothing inevitable about such boundaries; they are not natural boundaries, or lines that in the nature of things must be boundaries. The idea that nature had prescribed limits to human societies and had expressed these limits in features of the natural landscape is an old one, and it dies hard. In no context are the words of L. Febvre more applicable than in the study of boundaries: 'There are no necessities but everywhere possibilities and



man, as master of the possibilities is judge of their use.' And again, 'What finally matters is the idea adopted by the people - the political group - with regard to their geographical position, of its characteristics and advantages or inconveniences, though this idea may be quite wrong or have no basis in reality.' All boundaries are artificial in that they originate in human decision. The widely used term natural boundary, with its overtones of compulsion or necessity, is best avoided.<sup>30</sup>

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<sup>30</sup> Norman J. G. Pounds, Political Geography, pp. 79-80.

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## APPENDIX

THE MACMAHON LINE

by

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AN ABSTRACT OF A MASTER'S REPORT

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In judging a boundary a geographer must consider many physical as well as human aspects of a region. There is no specific approach to the solution of a boundary problem which can be considered the best approach. In considering boundary problems the emphasis has shifted from one approach to another, depending upon the bias of the period in which the dispute took place.

The purpose of this report was to investigate that portion of the "MacMahon Line" which forms the eastern China-India boundary and a portion of the northern China-Burma boundary. The primary interest in this study is devoted to the Indian portion of the boundary because the Burma-China dispute was settled in 1960 by China's concession of the disputed region to Burma. The study of the problem in this report is primarily a cartographic analysis.

A brief historical background is given to indicate the political status of Tibet which has been, since 1720, invaded by China, a vassal of China, freed of Chinese domination, and re-occupied by China. The relationships of Tibet and China are important because Tibet was a somewhat independent state when the Simla agreement of 1914, which established the MacMahon line, was negotiated.

The most significant factor of the problem with which the study is concerned is the possibility that a conflict involving China and India can have many effects on the political alignment of the so-called "non-aligned" nations.

No ethnic evidence is available which would serve to establish the relationship of the peoples in the disputed area to either China or India.

Both disputants have seemingly legitimate historical claims to the disputed region.

The cartographic analysis is made on the basis of four maps of the disputed area and a fifth map indicating the general location of the MacMahon line.

The extreme variations in altitude from just above 1000 feet to nearly 24,000 feet above sea level are indicative of the seeming impenetrability of the border; however, this region has not been as great a barrier to the movement of man as might be expected. The map of land transport routes and aerodromes in the region indicates that there is much human intercourse across the border.

The drainage pattern map portrays the accuracy of alignment of the original boundary as delimited by Sir Henry MacMahon, but certain revisions are also shown on a separate map to indicate a possible revised watershed boundary.

Although the use of the concept of natural boundaries is accepted as valid by some observers of the international scene, there is overwhelming evidence that man's political motives are preeminent. This makes all political boundaries artificial because they originate in human decision.

Therefore, it is concluded that the de facto control of the disputed area by India for 45 years should be the determinant rather than any physical structure of the land regardless of which side the physical structure favors.